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MACHINES CORP.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Gregory Bender,

Plaintiff,

v.

International Business Machines Corporation,

Defendant.

Case No. C 09-01249 RMW(RS)

**STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING DEADLINE
FOR IBM TO FILE ITS DISCOVERY
MOTION RELATED TO BENDER'S
AMENDED INFRINGEMENT
CONTENTIONS**

Plaintiff Gregory Bender ("Plaintiff") and Defendant International Business Machines Corporation ("Defendant"), through their respective counsel, hereby make the following stipulation with regards to Defendant's discovery motion related to Plaintiff's amended infringement contentions.

Due to the parties' and counsels' limited availability due to the upcoming holidays, the parties have agreed, and hereby request that the deadline for Defendant to file its discovery motion pursuant to the Court's Order of November 13, 2009 (D.I. 37) be extended until Wednesday, January 13, 2010. The parties further stipulate that the Court's order granting Defendant temporary relief from its discovery obligations shall remain in place until the dispute is resolved.

Respectfully submitted,

Dated: December 28, 2009

Jones Day

By: /s/ Gregory Lippetz

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Counsel for Defendant International Business
Machines Corporation

In accordance with General Order No. 45, Section X(B), the above signatory attests that
concurrence in the filing of this document has been obtained from the signatory below.

Dated: December 28, 2009

By: /s/ David Kuhn

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Counsel for Plaintiff Gregory Bender

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: December 28, 2009

By: 
THE HON. RICHARD SELBORG
United States Magistrate Judge